

**Calendar No. 521**105<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION**S. 1970****[Report No. 105-284]**

To require the Secretary of the Interior to establish a program to provide assistance in the conservation of neotropical migratory birds.

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## IN THE SENATE OF THE UNITED STATES

APRIL 22, 1998

Mr. ABRAHAM (for himself, Mr. DASCHLE, Mr. ALLARD, Mr. LUGAR, Mr. BINGAMAN, and Mr. LIEBERMAN) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

JULY 31, 1998

Reported by Mr. CHAFEE, with amendments

[Omit the part struck through and insert the part printed in *italic*]**A BILL**

To require the Secretary of the Interior to establish a program to provide assistance in the conservation of neotropical migratory birds.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

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1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Neotropical Migratory  
3 Bird Conservation Act”.

4 **SEC. 2. FINDINGS.**

5 Congress finds that—

6 (1)(A) birds constitute one of the most widely  
7 recognized and appreciated components of North  
8 American wildlife;

9 (B) approximately 25,000,000 Americans travel  
10 to observe birds; and

11 (C) more than 60,000,000 adult Americans  
12 watch and feed birds at home;

13 (2) birds—

14 (A) are key indicators of environmental  
15 health;

16 (B) play important roles in plant polli-  
17 nation and seed dispersal;

18 (C) serve as critical links in the food web;  
19 and

20 (D) maintain the health of the environ-  
21 ment.

22 (3)(A) healthy bird populations provide impor-  
23 tant economic benefits, such as control of noxious  
24 insects on agricultural crops, thereby preventing  
25 hundreds of millions of dollars in economic losses  
26 each year to farming and timber interests; and

1           (B) more than \$20,000,000,000 is spent in the  
2           United States each year on watching and feeding  
3           birds;

4           (4)(A) despite their irreplaceable value, many  
5           North American bird species, once considered com-  
6           mon, are in decline;

7           (B) 90 North American bird species are listed  
8           as endangered or threatened in the United States;

9           (C) another 124 North American bird species  
10          are of high conservation concern; and

11          (D) Mexico's Secretariat of Environment, Natu-  
12          ral Resources and Fisheries lists approximately 390  
13          bird species as being endangered, threatened, vulner-  
14          able, or rare;

15          (5)(A) of the nearly 800 bird species known to  
16          occur in the United States, approximately 500 mi-  
17          grate among nations;

18          (B) the large majority of those species, the  
19          neotropical migrants, winter in Latin America and  
20          the Caribbean; and

21          (C) neotropical migrants in particular have re-  
22          ceived much attention because of their population  
23          declines;

1           (6)(A) the primary reason for the declines is  
2           habitat loss and degradation (including pollution and  
3           contamination);

4           (B) because neotropical migrants range across  
5           numerous international borders each year, their con-  
6           servation requires that safeguards be established at  
7           both ends of the migration routes, as well as at criti-  
8           cal stopover areas along the way; and

9           (C) establishing such safeguards necessitates  
10          the joint commitment and effort of all nations that  
11          support those species, as well as all levels of society;  
12          ~~and~~

13          (7)(A) *numerous initiatives exist to conserve mi-*  
14          *gratory birds, including Partners in Flight, the West-*  
15          *ern Hemisphere Shorebird Reserve Network, the North*  
16          *American Waterfowl Management Plan, and monitor-*  
17          *ing action plans and conservation plans for water*  
18          *birds, marsh birds, and raptors; and*

19          (B) *those initiatives can be significantly*  
20          *strengthened and enhanced by coordination of their*  
21          *efforts to protect habitat shared by migratory birds;*  
22          *and*

23          ~~(7)~~ (8) this Act constitutes an effort on the part  
24          of the United States to adopt appropriate measures

1 for the protection of migratory birds in collaboration  
2 with—

3 (A) neighboring nations that are parties to  
4 the Convention Respecting Nature Protection  
5 and Wildlife Preservation in the Western Hemi-  
6 sphere, done at the Pan American Union,  
7 Washington, October 12, 1940 (56 Stat. 1354);  
8 and

9 (B) States, conservation organizations, cor-  
10 porations and business interests, and other pri-  
11 vate entities; *and*

12 (C) *other initiatives to conserve migratory*  
13 *birds throughout the Americas, by serving as a*  
14 *link among those initiatives.*

15 **SEC. 3. PURPOSES.**

16 The purposes of this Act are—

17 (1) to assist in the conservation of neotropical  
18 migratory birds by supporting neotropical migratory  
19 bird conservation programs in ~~Latin America and~~  
20 ~~the Caribbean~~ *Latin America, the Caribbean, and the*  
21 *United States* with a focus on reversing habitat loss  
22 and degradation;

23 (2) to promote partnerships between Federal,  
24 State, and nongovernmental entities in the United

1 States in the conservation of neotropical migratory  
2 birds;

3 (3) to foster active governmental and non-  
4 governmental participation in neotropical migratory  
5 bird conservation by cooperating countries through-  
6 out Latin America and the Caribbean;

7 (4) to promote circumstances under which the  
8 conservation of neotropical migratory birds in Latin  
9 America and the Caribbean may be carried out ~~en-~~  
10 ~~tirely~~ by local entities;

11 (5) to provide financial resources for projects  
12 that support neotropical migratory bird conserva-  
13 tion; and

14 (6) to promote the effective conservation of  
15 neotropical migratory birds in the Western Hemi-  
16 sphere through collaboration at all levels of society.

17 **SEC. 4. CONSERVATION ASSISTANCE.**

18 (a) IN GENERAL.—The Secretary of the Interior, act-  
19 ing through the Director of the United States Fish and  
20 Wildlife Service (referred to in this Act as the “Sec-  
21 retary”), shall establish a program to provide financial as-  
22 sistance for projects to promote the conservation of  
23 neotropical migratory birds.

1 (b) PROJECT APPLICANTS.—An entity that is eligible  
2 to receive financial assistance for a project under this Act  
3 is an entity that—

4 (1) is—

5 (A) a Federal, State, or local governmental  
6 entity of the United States;

7 (B) a United States nongovernmental or-  
8 ganization, corporation or business interest, or  
9 other private entity;

10 (C) a governmental or nongovernmental  
11 organization, corporation or business interest,  
12 or other private entity in Latin America or the  
13 Caribbean; or

14 (D) an international organization that is  
15 dedicated to achieving the purposes of this Act;  
16 and

17 (2) submits a project proposal to the Secretary.

18 (c) PROJECT PROPOSALS.—Each project proposal  
19 shall—

20 (1) demonstrate that the project will enhance  
21 the conservation of neotropical migratory birds in  
22 ~~Latin America or the Caribbean~~ *Latin America, the*  
23 *Caribbean, or the United States* by focusing on re-  
24 versing habitat loss and degradation;

1           (2) include mechanisms to ensure adequate  
2 local public participation in project development and  
3 implementation;

4           (3) contain assurances that the project will be  
5 implemented in consultation with appropriate local  
6 and other government officials with jurisdiction over  
7 the resources addressed by the project;

8           (4) demonstrate sensitivity to local historic and  
9 cultural resources and comply with applicable laws;  
10 and

11           (5) provide any other information that the Sec-  
12 retary considers to be necessary for evaluating the  
13 proposal.

14       (d) PROJECT SUSTAINABILITY.—To the maximum  
15 extent practicable, each project shall aim to support or es-  
16 tablish such structures as are necessary to ensure achieve-  
17 ment of conservation objectives specified in this Act, in-  
18 cluding the long-term operation and maintenance of the  
19 project by local entities in the country in which the project  
20 is carried out.

21       (e) COST SHARING.—

22           (1) FEDERAL SHARE.—The Federal share of  
23 the cost of each project shall be not greater than 33  
24 percent.

25           (2) NON-FEDERAL SHARE.—



1 (A) PAYMENT BY UNITED STATES AND  
 2 INTERNATIONAL ENTITIES.—Not less than 50  
 3 percent of the non-Federal share required to be  
 4 paid for each project shall be paid, in cash,  
 5 by—

6 (i) United States nongovernmental or-  
 7 ganizations;

8 (ii) international nongovernmental or-  
 9 ganizations;

10 (iii) States of the United States and  
 11 other United States non-Federal entities;  
 12 and

13 (iv) corporations, business interests,  
 14 and other private entities.

15 ~~(B) PAYMENT BY LOCAL ENTITIES.—In~~  
 16 ~~addition to funds paid under subparagraph (A),~~  
 17 ~~the entity submitting the proposal for a project~~  
 18 ~~to be assisted under this Act shall seek match-~~  
 19 ~~ing funds, in the form of cash or in-kind con-~~  
 20 ~~tributions, from local entities in the country in~~  
 21 ~~which the project is carried out, including cor-~~  
 22 ~~porations and business interests.~~

23 *(B) PAYMENT BY LOCAL ENTITIES IN FOR-*  
 24 *EIGN COUNTRIES.—A local entity in a foreign*  
 25 *country in which a project is carried out may*

1           *provide the non-Federal share required under*  
 2           *this subsection in cash or in-kind contributions*  
 3           *from local sources in the country.*

4 **SEC. 5. NEOTROPICAL MIGRATORY BIRD ADVISORY COM-**  
 5           **MITTEE.**

6           (a) ESTABLISHMENT.—There is established a  
 7 Neotropical Migratory Bird Advisory Committee (referred  
 8 to in this Act as the “Committee”) to assist in carrying  
 9 out this Act.

10          (b) MEMBERSHIP.—

11           (1) PERMANENT MEMBERS.—The 4 9 perma-  
 12 nent members of the Committee shall be—

13           (A) ~~2 representatives~~ 1 *representative* of  
 14 the United States Fish and Wildlife Service, 1  
 15 ~~of whom~~ *who* shall chair the Committee;

16           (B) 1 representative appointed by the  
 17 International Association of Fish and Wildlife  
 18 Agencies, who shall not be required to be an of-  
 19 ficer or employee of the Association; ~~and~~

20           (C) 1 representative appointed by the Na-  
 21 tional Fish and Wildlife Foundation established  
 22 by the National Fish and Wildlife Foundation  
 23 Establishment Act (16 U.S.C. 3701 et seq.),  
 24 who shall not be required to be an officer or  
 25 employee of the Foundation;

1                   (D) 1 representative of the Department of  
2                   State;

3                   (E) 1 representative of the United States  
4                   Agency for International Development; and

5                   (F) 4 individuals, appointed by the Sec-  
6                   retary of the Interior, each of whom—

7                   (i) shall represent an entity (other  
8                   than an entity specified in any of subpara-  
9                   graphs (A) through (E)) that has strong in-  
10                  terest and involvement in neotropical bird  
11                  conservation; and

12                  (ii) shall serve for a 2-year term.

13                  (2) NONVOTING ~~MEMBER~~ MEMBERS.—

14                  (A) IN GENERAL.—The Committee shall  
15                  include ~~1 nonvoting member who~~ 3 nonvoting  
16                  members, each of whom—

17                  (i) is a native and resident of Latin  
18                  America or the Caribbean; and

19                  (ii) is actively involved in local con-  
20                  servation efforts in Latin America or the  
21                  Caribbean.

22                  (B) CONDITIONS OF SERVICE AS MEM-  
23                  BER.—~~The~~ Each member described in subpara-  
24                  graph (A) shall serve in an advisory capacity  
25                  and for a 2-year term.

1 (c) DUTIES.—The Committee shall—

2 (1) assist in the development of guidelines for  
3 the solicitation of proposals for projects eligible for  
4 financial assistance under section 4;

5 (2) promote participation in the program estab-  
6 lished under section 4 by public and private non-  
7 Federal entities; ~~and~~

8 (3) review and recommend to the Secretary pro-  
9 posals for financial assistance that meet the require-  
10 ments specified in section 4 ~~and any other criteria~~  
11 ~~established by the Committee.~~ 4; *and*

12 (4) *coordinate and facilitate grant processes*  
13 *among entities involved in neotropical bird conserva-*  
14 *tion.*

15 (d) MEETINGS.—The Committee shall hold such  
16 meetings as are necessary to carry out the duties of the  
17 Committee.

18 (e) COMPENSATION.—

19 (1) IN GENERAL.—Subject to paragraph (2), a  
20 member of the Committee shall not receive any com-  
21 pensation for the service of the member on the Com-  
22 mittee.

23 (2) TRAVEL EXPENSES.—A member of the  
24 Committee shall be allowed travel expenses, includ-  
25 ing per diem in lieu of subsistence, at rates author-

1        ized for employees of agencies under subchapter I of  
 2        chapter 57 of title 5, United States Code, while  
 3        away from the home or regular place of business of  
 4        the member in the performance of services for the  
 5        Committee.

6        (f) ELIGIBILITY FOR FINANCIAL ASSISTANCE.—An  
 7        entity represented by a member of the Committee shall  
 8        not be eligible to receive financial assistance under this  
 9        Act.

10    **SEC. 6. DUTIES OF SECRETARY.**

11        (a) ASSISTANCE TO COMMITTEE.—The Secretary  
 12        shall facilitate consideration of projects described in sec-  
 13        tion 4(a) by the Committee and otherwise assist the Com-  
 14        mittee in carrying out its duties under this Act.

15        (b) OTHER DUTIES.—In carrying out this Act, the  
 16        Secretary shall—

17                (1) *select proposals for financial assistance;*

18                ~~(1)~~ (2) develop and oversee agreements to pro-  
 19        vide financial assistance under section 4;

20                ~~(2)~~ (3) seek cooperators described in section 7;

21                ~~(3)~~ (4) translate documents into Spanish as  
 22        necessary; and

23                ~~(4)~~ (5) generally manage implementation of this  
 24        Act.

1 (c) FUNDING.—The Secretary may use funds de-  
2 scribed in section 9(b) to carry out this section.

3 **SEC. 7. COOPERATION.**

4 In carrying out this Act, the Secretary shall cooperate  
5 with appropriate entities, including—

6 (1) appropriate officials in countries where  
7 projects authorized by this Act are proposed to be  
8 carried out or are being carried out;

9 (2) the heads of other Federal agencies; and

10 (3) entities carrying out, as of the date of en-  
11 actment of this Act, initiatives that support bird  
12 conservation in Latin America and the Caribbean,  
13 such as Partners in Flight, the North American Wa-  
14 terfowl Management Plan, the Western Hemisphere  
15 Shorebird Reserve Network, Winged Ambassadors,  
16 the Latin America small grants program of the  
17 American Bird Conservancy, and Wings of the  
18 Americas.

19 **SEC. 8. REPORT TO CONGRESS.**

20 Not later than December 31, 2002, the Secretary  
21 shall submit to Congress a report on the results and effec-  
22 tiveness of the program carried out under this Act, includ-  
23 ing recommendations concerning how the Act might be im-  
24 proved and whether the program should be continued.

1 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

2 ~~(a) IN GENERAL.—There is authorized to be appro-~~  
3 ~~riated to carry out this Act \$4,000,000 for each of fiscal~~  
4 ~~years 1999 through 2001, to remain available until ex-~~  
5 ~~pended.~~

6 *(a) IN GENERAL.—There is authorized to be appro-*  
7 *riated to the Secretary of the Interior to carry out this*  
8 *Act \$8,000,000 for each of fiscal years 1999 through 2001,*  
9 *to remain available until expended, of which not less than*  
10 *50 percent and not more than 70 percent of the amounts*  
11 *made available for each fiscal year shall be expended for*  
12 *projects carried out outside the United States.*

13 (b) ADMINISTRATIVE EXPENSES.—For each fiscal  
14 year, of the amounts made available to carry out this Act  
15 under subsection (a), the Secretary may use not more than  
16 ~~10~~ 6 percent to pay administrative expenses incurred in  
17 carrying out this Act.





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**S. 1970**

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## **A BILL**

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JULY 31, 1998

Reported with amendments